

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5397 of 1986

Date of decision: 25-2-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BB VALA

Versus

STATE OF GUJARAT

Appearance:

Mr.G.M. Joshi for Petitioner

Mr. Mukesh Patel for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/02/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

The petitioner, a Police Sub Inspector (C.I.D.), Police Headquarters, Bhavnagar, filed this petition with prayer for quashing and setting aside the adverse remarks for the year 1983-84 and 1984-85. When asked by the Court, the counsel for the petitioner is unable to give out whether any order prejudicial to the service condition of the petitioner has been made by the respondents relying on the aforesaid adverse remarks. I have taken the view in many cases that adverse remarks as such are not challengeable before this Court under Article 226 of the Constitution of India. The remarks are innocuous and will not in any manner affect the officer concerned. The cause of action to challenge the adverse remarks will occur in favour of the officer concerned only when, on relying on those adverse remarks, some order causing prejudice to his service condition is made by the respondents. It is not the case here. In view of this fact this writ petition is disposed of with the observation that in case any order is passed prejudicial to the petitioner, relying on those adverse remarks, then it shall be open to the petitioner to challenge the adverse remarks and to pray for quashing and setting aside the same, while challenging that order. Subject to the aforesaid observation the writ petition is rejected. Rule discharged. No order as to costs.

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